UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

BENJAMIN MERCER,	
Plaintiff,	
v.	Civil Action No.: 2:16-cv-01204-RDP
ALABAMA DEPARTMENT OF))
TRANSPORTATION,	Jury Trial Demanded
Defendant.)

PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE OF ADJUDICATIVE FACTS

Comes now Plaintiff BENJAMIN MERCER and moves the Court, pursuant to F.R.Evid 201(b)(2), to take judicial notice of the following adjudicative facts:

- 1. That Plaintiff Benjamin Mercer is currently a "debtor" under the Bankruptcy Code; and that all his rights in this case are the property of Bankruptcy Trustee Bradford W. Caraway. Attachment 1; Raborn v. Menotte, Trustee, 479 1319, 1323 (11th Cir.2006); South Central Livestock Dealers, Inc. v. Security State Bank of Headley, Tex., 614 F.2d 1056, 1061 (5th Cir.1980).
- That the website for the State of Alabama Personnel Department reflects
 the Merit Semi-Monthly Compensation Plan for the position of Transportation
 Technologist, Class Code 20481, and the Pay Plan (Salary Schedule) for that

position. Attachment 2, https://www.personnel.alabama.gov/PayPlan; Plaintiff's Exhibit 7.

3. That the "Careers" section of the ALDOT website links directly to the State of Alabama's Personnel Department website, which in turn discloses the "Benefits of State Employment." Attachment 3, https://www.dot.state.al.us/Explore.html; https://personnel.alabama.gov/Benefits; Plaintiff's Exhibit 29.

Each of these facts can accurately and readily BE determined from sources whose accuracy cannot reasonably be questioned; namely, the judicial records of the Bankruptcy Court of the Northern District of Alabama; As well as the websites of the State of Alabama Personnel Department and ALDOT.

Notice of Plaintiff's bankrupt status is requested because of Fed.R.Civ.P. 17

(a) Real Party in Interest considerations. Notice of adjudicative facts 2 and 3 is appropriate in consideration of ALDOT's objections to Plaintiff's Exhibits 27, 28, and 29.

For all these reasons, Plaintiff requests that the court take judicial notice of the above facts, or grant such other, further, and different relief as may be appropriate in the circumstances.

Respectfully submitted,

Vs/U.W. Clemon CLE045

U.W. Clemon, LLC Roderick Barge P.O. Box 2365 Birmingham, AL 35201 Phone 205 506-4524 uwclemon1@gmail.com

ATTORNEYS FOR PLAINTIFF

Repeat-ALNB, DebtEd, DSO, PRVDISM, Repeat, RepeatPACER, PRVDISCH, NTCAPR

U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF ALABAMA (Birmingham) Bankruptcy Petition #: 18-03621-DSC13

Assigned to: D. Sims Crawford

Chapter 13 Voluntary Asset Date filed: 09/05/2018 Plan confirmed: 12/27/2018 341 meeting: 10/17/2018

Deadline for filing claims: 11/14/2018
Deadline for filing claims (govt.): 03/04/2019

Debtor

Benjamin F Mercer, Sr 702 Narrgansett Drive

Birmingham, AL 35214 JEFFERSON-AL

SSN / ITIN: xxx-xx-4936

represented by George Babakitis

2031 2nd Avenue North Birmingham, Al 35203 205 458-1161

Fax: 205-933-9314

Email: gbabakitis@aol.com

U.W. Clemon, I U.W. Clemon, LLC P.O. Box 2365 Birmingham, AL 35201

205-837-2898

Email: uwclemon1@gmail.com

Trustee
Bradford W. Caraway
Chapter 13 Standing Trustee
P O Box 10848
Birmingham, AL 35202-0848
205 323-4631

Attachment 1

Filing Date	#	Docket Text				
09/05/2018	1 (55 pgs)	Chapter 13 Voluntary Petition Individual . Fee Amount \$310 Filed by Benjamin F Mercer Sr (Babakitis, George) (Entered: 09/05/2018)				
2 Chapter 13 Plan. Filed by Debtor Benjamin F Mercer Sr. (Baba George) (Entered: 09/05/2018)						
09/05/2018	4 (1 pg)	Certificate of Credit Counseling for Debtor Filed by Debtor Benjamir Mercer Sr. (Babakitis, George) (Entered: 09/05/2018)				
09/05/2018	5	Tax Documents for the Year for 2017 Filed by Debtor Benjamin F Mercer Sr. (Babakitis, George) (Entered: 09/05/2018)				
09/05/2018	<u>6</u> (1 pg)	Appraisal 702 Narragansett Drive, Birmingham, AL 35214 Filed by Debtor Benjamin F Mercer Sr. (Babakitis, George) (Entered: 09/05/2018)				
09/05/2018	2	Appraisal 2342 20th Place Ensley, Birmingham, AL 35208 Filed by Debtor				

2019	ALNB Live Database Area					
	(1 pg)	Benjamin F Mercer Sr. (Babakitis, George) (Entered: 09/05/2018) Employee Income Records Filed by Debtor Benjamin F Mercer Sr. (Babakitis, George) (Entered: 09/05/2018) Meeting of Creditors with 341(a) meeting to be held on 10/17/2018 at 09:30 AM at Creditor Meeting Room Birmingham. Confirmation hearing to be held on 11/27/2018 at 11:00 AM at Courtroom 1 (DSC) Birmingham. Proof of Claim due by 11/14/2018. Government Proof of Claim due by 03/04/2019 Objection to Dischargeability of Certain Debts due by 12/17/2018. (Entered: 09/05/2018)				
09/05/2018	<u>8</u> (5 pgs)					
09/05/2018	9 (3 pgs; 2 docs)					
09/06/2018	10 (2 pgs; 2 docs)	Notice of Requirement to Complete Course in Financial Management (Admin adiuser) (Entered: 09/06/2018)				
09/06/2018		Notice of Debtor's Prior Filings for debtor Benjamin F Mercer, Sr Case Number 11-04335, Chapter 13 filed in Alabama Northern Bankruptcy Court on 08/29/2011, Dismissed for failure to make plan payments on 04/03/2013; Case Number 13-02163, Chapter 13 filed in Alabama Northern Bankruptcy Court on 05/07/2013, Dismissed for failure to make plan payments on 02/19/2015; Case Number 16-01294, Chapter 13 filed in Alabama Northern Bankruptcy Court on 03/28/2016, Dismissed for Other Reason on 06/08/2016; Case Number 02-02792, Chapter 13 filed in Alabama Northern Bankruptcy Court on 04/08/2002, Dismissed for Other Reason on 11/14/2003; Case Number 11-01413, Chapter 7 filed in Alabama Northern Bankruptcy Court on 03/14/2011, Standard Discharge on 06/13/2011; Case Number 05-09633, Chapter 13 filed in Alabama Northern Bankruptcy Court on 09/28/2005, Standard Discharge on 12/07/2010; Case Number 03-10491, Chapter 13 filed in Alabama Northern Bankruptcy Court on 11/26/2003, Dismissed for Other Reason on 09/23/2005; Case Number 18-02878, Chapter 13 filed in Alabama Northern Bankruptcy Court on 07/16/2018, Dismissed for Failure to File Information on 07/24/2018; Case Number 91-01879, Chapter 13 filed in Alabama Northern Bankruptcy Court on 03/08/1991, Dismissed for Other Reason on 11/15/1991; Case Number 86-09631, Chapter 13 filed in Alabama Northern Bankruptcy Court on 11/26/1986, Dismissed for Other Reason on 04/27/1989; Case Number 15-02960, Chapter 13 filed in Alabama Northern Bankruptcy Court on 07/30/2015, Dismissed for failure to pay filing fee or 09/22/2015.(Admin) (Entered: 09/06/2018)				
09/06/2018		Receipt of Voluntary Petition (Chapter 13)(18-03621-13) [misc,volp13] (310.00) Filing Fee. Receipt number 22486112. Fee Amount 310.00 (re:Doc# 1) (U.S. Treasury) (Entered: 09/06/2018)				
09/07/2018	11 (3 pgs)	BNC Certificate of Notice (RE: related document(s) Meeting (AutoAssig Chapter 13)). Notice Date 09/07/2018. (Admin.) (Entered: 09/08/2018)				
09/08/2018	12 (2 pgs)	BNC Certificate of Notice (RE: related document(s)10 Notice of Requirement to Complete Course in Financial Management). Notice Date 09/08/2018. (Admin.) (Entered: 09/09/2018)				
09/08/2018	13 (6 pgs)	BNC Certificate of Notice (RE: related document(s)2 Chapter 13 Plan file by Debtor Benjamin F Mercer). Notice Date 09/08/2018. (Admin.) (Entered: 09/09/2018)				
10/17/2018	14 (2 pgs)	Meeting of Creditors Held 10/17/2018. (Ch13troffice, bc) (Entered: 10/17/2018)				

10/19/2018	15 (5 pgs)	Amended Chapter 13 Plan. Filed by Debtor Benjamin F Mercer Sr (RE: related document(s)2 Chapter 13 Plan. Filed by Debtor Benjamin F Mercer Sr.). (Babakitis, George) (Entered: 10/19/2018)
10/22/2018	16 (2 pgs)	Trustee's Objection to Confirmation of Chapter 13 Plan, Trustee's Motion to Dismiss Case for Failure to Make Plan Payments, Trustee's Motion to Dismiss. (Ch13troffice, km) (Entered: 10/22/2018)
10/23/2018	17 (2 pgs; 2 docs)	Notice of Hearing on (RE: related document(s)16 Trustee's Objection to Confirmation of Plan, Trustee's Motion to Dismiss Case for Failure to Make Plan Payments, Trustee's Motion to Dismiss). Hearing scheduled 11/27/2018 at 11:00 AM at Courtroom 1 (DSC) Birmingham. (mwb) (Entered: 10/23/2018)
10/24/2018	18 (7 pgs)	Amended Schedule J: Individual- Your Expenses Filed by Debtor Benjamin F Mercer Sr. (Babakitis, George) (Entered: 10/24/2018)
10/25/2018	19 (2 pgs)	BNC Certificate of Notice (RE: related document(s) <u>17</u> Notice of Hearing). Notice Date 10/25/2018. (Admin.) (Entered: 10/26/2018)
10/29/2018	20 (5 pgs)	Amended Chapter 13 Plan. Filed by Debtor Benjamin F Mercer Sr (RE: related document(s)15 Amended Chapter 13 Plan. Filed by Debtor Benjamin F Mercer Sr (RE: related document(s)2 Chapter 13 Plan. Filed by Debtor Benjamin F Mercer Sr.).). (Babakitis, George) (Entered: 10/29/2018)
11/05/2018	21 (1 pg)	Trustee's Direction for Deduction. (Ch13troffice, sf) (Entered: 11/05/2018)
11/15/2018	22 (1 pg)	Notice of Appearance and Request for Notice by Joshua B. White Filed by Creditor JPMORGAN CHASE BANK, N.A (White, Joshua) (Entered: 11/15/2018)
11/16/2018	23 (5 pgs)	Amended Chapter 13 Plan. Filed by Debtor Benjamin F Mercer Sr (RE: related document(s)20 Amended Chapter 13 Plan. Filed by Debtor Benjamin F Mercer Sr (RE: related document(s)15 Amended Chapter 13 Plan. Filed by Debtor Benjamin F Mercer Sr (RE: related document(s)2 Chapter 13 Plan. Filed by Debtor Benjamin F Mercer Sr.).).). (Babakitis, George) (Entered: 11/16/2018)
11/20/2018	24 (2 pgs)	Objection to Confirmation of Plan Filed by Creditor JPMORGAN CHASE BANK, N.A. (RE: related document(s)23 Amended Chapter 13 Plan. Filed by Debtor Benjamin F Mercer Sr (RE: related document(s)20 Amended Chapter 13 Plan. Filed by Debtor Benjamin F Mercer Sr (RE: related document(s)15 Amended Chapter 13 Plan. Filed by Debtor Benjamin F Mercer Sr (RE: related document(s)2 Chapter 13 Plan. Filed by Debtor Benjamin F Mercer Sr.).).).). (White, Joshua) (Entered: 11/20/2018)
11/20/2018	25	Hearing Scheduled (RE: related document(s)24 Objection to Confirmation of the Plan filed by Creditor JPMORGAN CHASE BANK, N.A.). Hearing scheduled 11/27/2018 at 11:00 AM at Courtroom 1 (DSC) Birmingham. (sva) (Entered: 11/20/2018)
11/26/2018	26 (1 pg)	Courtroom Deputy Notes (By agreement of the parties, this matter is settled and Mr. White shall submit a proposed order.) RE: Doc #24; Objection to

/2019		ALNB Live Database Area
		Confirmation of the Plan filed by Joshua B. White, attorney for JPMorgan Chase Bank NA (stc) (Entered: 11/26/2018)
12/20/2018	27 (2 pgs)	Bench Sheet from Confirmation Hearing (cmh) (Entered: 12/20/2018)
12/27/2018	28 (3 pgs; 2 docs)	Order Confirming Chapter 13 Plan. The Trustee's objection to Confirmation is overruled and Motion to Dismiss is denied. Signed on 12/27/2018 (RE: related document(s)16 Trustee's Objection to Confirmation of Plan, Trustee's Motion to Dismiss Case for Failure to Make Plan Payments, Trustee's Motion to Dismiss, 23 Amended Chapter 13 Plan Benjamin F Mercer). (sva) (Entered: 12/27/2018)
12/29/2018	29 (3 pgs)	BNC Certificate of Notice (RE: related document(s)28 Order Confirming Chapter 13 Plan). Notice Date 12/29/2018. (Admin.) (Entered: 12/30/2018)
01/03/2019	30 (2 pgs; 2 docs)	Agreed Order Overruling the Objection to Confirmation of the Plan Signer on 1/3/2019 (RE: related document(s)24 Objection to Confirmation of the Plan filed by JPMORGAN CHASE BANK, N.A.). (sva) (Entered: 01/03/2019)
01/05/2019	31 (2 pgs)	BNC Certificate of Notice (RE: related document(s)30 Consent Order). Notice Date 01/05/2019. (Admin.) (Entered: 01/06/2019)
05/30/2019	32 (36 pgs)	Motion for Relief from Stay , Fee Amount \$181,, Motion for Relief from Co-Debtor Stay , Filed by Creditor JPMORGAN CHASE BANK, N.A. (White, Joshua) (Entered: 05/30/2019)
05/30/2019		Receipt of Motion for Relief from Stay(<u>18-03621-DSC13</u>) [motion,mrlfsty] (181.00) Filing Fee. Receipt number A23693258. Fee Amount 181.00 (re:Doc# <u>32</u>) (U.S. Treasury) (Entered: 05/30/2019)
05/31/2019	33 (1 pg)	Fact Summary for a Motion for Relief from Stay Filed by Creditor JPMORGAN CHASE BANK, N.A. (RE: related document(s)32 Motion f Relief from Stay, Fee Amount \$181,, Motion for Relief from Co-Debtor Stay,). (White, Joshua) (Entered: 05/31/2019)
05/31/2019	34 (2 pgs; 2 docs)	Notice of Final Hearing on Motion for Relief from Stay and Co-Debtor Stay filed by Joshua White, attorney for JPMorgan Chase Bank NA (RE: related document(s)32 Motion for Relief from Stay). Hearing scheduled 6/25/2019 at 10:00 AM at Courtroom 1 (DSC) Birmingham. (sva) (Entere 05/31/2019)
06/02/2019	36 (2 pgs)	BNC Certificate of Notice (RE: related document(s)34 Hearing (Motion f Relief) Set). Notice Date 06/02/2019. (Admin.) (Entered: 06/03/2019)
06/25/2019	37 (1 pg)	Courtroom Deputy Notes (By agreement of the parties, this matter is settle and Mr. White shall submit a proposed order.) RE: Doc #32; Motion for Relief from Stay and Co-Debtor Stay filed by Joshua White, attorney for JPMorgan Chase Bank NA (stc) (Entered: 06/25/2019)
07/15/2019	38 (3 pgs; 2 docs)	Order Conditionally Denying Motion For Relief From Stay (Related Doc 32), Conditionally Denying Motion For Relief From Co-Debtor Stay (Related Doc # 32) Signed on 7/15/2019. (thc) (Entered: 07/15/2019)
07/17/2019	39	BNC Certificate of Notice (RE: related document(s)38 Order on Motion

7/2019		ALNB Live Database Area		
	(3 pgs) For Relief From Stay). Notice Date 07/17/2019. (Admin.) (Enter 07/18/2019)			
08/29/2019	40 (4 pgs)	Application to Employ U.W. Clemon as Professional Person Filed by Debtor Benjamin F Mercer Sr (Clemon, U.W.) Modified text to match PDF on 8/29/2019 (sva). (Entered: 08/29/2019)		
08/29/2019	41 (2 pgs; 2 docs)	Order Granting Application to Employ U.W. Clemon as Special Counsel for Debtor (Related Doc # 40) Signed on 8/29/2019. (sva) (Entered: 08/29/2019)		
08/31/2019	42 (2 pgs)	BNC Certificate of Notice (RE: related document(s)41 Order on Application to Employ). Notice Date 08/31/2019. (Admin.) (Entered: 08/31/2019)		

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Pay Plan (Salary Schedule)

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EFFECTIVE 09/01/201

THIS PLAN INCLUDES ALL CHANGES THROUGH 09/01/2019

** BY LAW, SALARIES OF STATE EMPLOYEES ARE TO BE PAID SEMI-MONTHLY. THE SEMI-MONTHLY I REFLECTED IN THIS PAY PLAN ARE THE OFFICIAL RATES OF PAY. OTHER RATES INCLUDED IN THE COMPARISON TABLE ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. STANDARD ROUNDING PRINCE ARE USED IN THE CALCULATIONS. SEE ALA. CODE 36-6-1 (2005 CUM. SUPP.).

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S T A T E O F A L A B A M A PERSONNEL DEPARTMENT 2019 PAY PLAN ANNUAL EQUIVALENT OF STEP RATES

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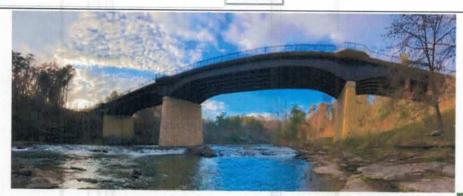
S T A T E O F A L A B A M A PERSONNEL DEPARTMENT 2019 PAY PLAN SALARY STEP RATES

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ALABAMA DEPARTMENT OF TRANSPORTATION

(https://www.dot.state.al.us/)

Search



Welcome to ALDOT

ALDOT Home (Default.html) / Sitemap

ALDOT Road Projects (Default.html)

Doing Business (DoingBusiness.html)

Careers

ALDOT Career Events Schedule



(https://www.dot.state.al.us/pcweb/careerEvents.html)

ALDOT Personnel Department (https://www.dot.state.al.us/pcweb/index.html)

State of Alabama Personnel Department (https://personnel.alabama.gov/)

Projects/Programs

Alabama Transportation Rehabilitation & Improvement Program (ATRIP) (https://www.dot.state.al.us/innoweb/index.html)

ALTRAINS (https://www.dot.state.al.us/dsweb/divTed/Rail/ALTRAINS.html)

Attachment 3

ATRIPII (https://www.dot.state.al.us/atrip2/) Bicycle Pedestrian Plan (https://www.dot.state.al.us/oeweb/bicyclePedestrian.html) Bid / Project Letting (https://alletting.dot.state.al.us/) Bridge (https://www.dot.state.al.us/brweb/index.html) **CADD Support** (https://www.dot.state.al.us/dsweb/divFdd/DesignServicesSection/CADDSupport.html) Careers (https://www.personnel.alabama.gov/) Compliance & Business Opportunities (https://www.dot.state.al.us/cboweb/index.html) Comptroller (http://comptroller.alabama.gov/) Computer Services (https://www.dot.state.al.us/csweb/index.html) Conferences (Conferences.html) Construction (https://www.dot.state.al.us/conweb/index.html) Contact ALDOT (Contact_Us.html) **Contract Compliance** (https://www.dot.state.al.us/cboweb/ExternalProgramsSection.html) DBE Program (https://www.dot.state.al.us/conweb/DBEProgram.html) Design (https://www.dot.state.al.us/dsweb/index.html) Doing Business (DoingBusiness.html) Emergency Information (https://miscwapps.dot.state.al.us/ECC/) Environmental Management (https://www.dot.state.al.us/dsweb/divPed/index.html) Equipment (https://www.dot.state.al.us/eqweb/index.html) Finance & Audits (https://www.dot.state.al.us/faweb/index.html) Forms & Manuals (InfoServices.html) Industrial Access (https://www.dot.state.al.us/adweb/IndustrialAccess.html) Info & Services (InfoServices.html) Innovative Programs (https://www.dot.state.al.us/innoweb/index.html) Legal (https://www.dot.state.al.us/legweb/Index.html) Local Transportation (https://www.dot.state.al.us/ltweb/index.html) Maintenance (https://www.dot.state.al.us/maweb/index.html) Maps & Publications (Publications.html) Materials & Tests (https://www.dot.state.al.us/mtweb/index.html)

Benefits of State Employment

This summary of benefits is meant only as a brief description of some of the benefits available to State employees. Please refer and read all plan documents for more complete descriptions. The State of Alabama and its agencies reserve the right, at its discretion, to alter any or all plans and benefits described in this summary for any reason at any time with or without notice

Retirement

- Defined Benefit Retirement Plan (employer/employee based)
- * See State Retirement Systems(RSA) for more details (http://www.rsa-al.gov/)
- · Optional Deferred Compensation Programs
- * See Empower for more details (https://alabamaretire.gwrs.com/login.do)

Low Cost Insurance

- · Blue Cross/Blue Shield Health (Single/Family Coverage)
- Optional Dental (Single/Family Coverage)
- · Optional Health and Supplemental Insurance Coverage
- Optional Cancer Policy
- · Discounted Vision Care Program
- Flexible Benefits Program (pre-tax dollars for qualified Medical Expense and Dependent Care)
- * See State Employees' Insurance Board(SEIB) for more details (http://www.alseib.org/)

Paid Time Off

- · 12 Holidays per year
- 1 Personal leave day per year or Mardi Gras Holiday (Baldwin and Mobile counties only)
- 13 Sick days per year (accrued time off)
- 13 to 29 Annual leave days per year (accrued time off)
- · 168 Hours of military leave per year

Miscellaneous Benefits

- · Direct Deposit or Check Card
- · Payroll deductions for insurance
- Payroll deductions for organization dues, credit union and United Way
- Employee Discounts (hotel/motel, travel, rental car, cellular service, etc.)

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